

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR 2002-006143

04/22/2003

HONORABLE BRIAN R. HAUSER

CLERK OF THE COURT
E. Morgenstern
Deputy

FILED: 04/25/2003

STATE OF ARIZONA

MARIA Y ARMIJO
JEANNETTE GALLAGHER

v.

TONATIHU AGUILAR

ROBERT L STORRS
BRUCE E BLUMBERG

VICTIM SERVICES DIV-CA-CCC

TRIAL MINUTE ENTRY
DAY 2

State's Attorney:	above-named counsel
Defendant's Attorney:	above-named counsel
Defendant:	Present
Court Reporter:	Melody O'Donnell

Prior to trial, Exhibit Nos. 144 through 149 are marked for identification.

10:45 a.m. Trial to Jury continues from April 21, 2003.

Defendant's motions in limine to preclude the state from offering evidence regarding ammunition found in defendant's parents' home and to preclude Mary Blair, the victim's mother from testifying, are addressed.

The court finds that Ms. Blair's testimony is not for the purpose of invoking the sympathy of the jury. The state is required to prove that the victim was a living human being, and that his death was caused by criminal means. The state can decide how to provide that proof through the testimony of Ms. Blair. She will be permitted to testify to the issues relevant in this phase of the trial.

With respect to the ammunition,

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The Court finds there is probative value in this evidence and that the prejudicial effect does not substantially outweigh it.

Accordingly, for these reasons and those more fully set forth in the record,

IT IS ORDERED denying both motions.

10:52 a.m. The jury is present.

Opening statement is presented.

State's case:

David Glover is sworn and testifies.

Exhibit Nos. 1, 2, and 4 are admitted into evidence.

Exhibit No. 110 is admitted into evidence.

11:57 a.m. Court stands at recess.

1:36 p.m. Court reconvenes with respective counsel and defendant present. The jury is all present.

Court reporter, Melody O'Donnell, is present.

Witness resumes the stand and testifies further.

Exhibit Nos. 34, 35, and 36 are admitted into evidence.

Exhibit No. 88 is admitted into evidence.

Exhibit No. 107 is admitted into evidence.

Exhibit No. 79 is admitted into evidence.

Exhibit No. 150 is marked for identification and admitted into evidence.

Witness is excused.

2:31 p.m. Court stands at recess.

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2:51 p.m. Court reconvenes with respective counsel and defendant present. The jury is all present.

Court reporter, Melody O'Donnell, is present.

Officer David Lucero is sworn and testifies.

Exhibit No. 151 is marked for identification and admitted into evidence.

Witness is excused.

Officer John Shadowens is sworn and testifies.

Exhibit Nos. 31, 32, and 33 are admitted into evidence.

Exhibit Nos. 24, 25, and 26 are admitted into evidence.

Witness is excused.

4:15 p.m. Court stands at recess until 10:00 a.m., Wednesday, April 23, 2003.